

# Michigan Commission of Agriculture Meeting Minutes

February 2000

**Michigan Department of Agriculture  
Michigan Commission of Agriculture Meeting Minutes  
4<sup>th</sup> Floor, Ottawa State Office Building, Pidgeon Conference Room  
611 West Ottawa Street  
Lansing, Michigan  
February 8-9, 2000**

**PRESENT:**

**James Maitland, Chair, Commission of Agriculture  
Jordan B. Tatter, Vice-Chair, Commission of Agriculture  
Shirley Skogman, Secretary, Commission of Agriculture  
Deanna Stamp, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture**

**Absent:**

**Douglas Darling, Commission of Agriculture**

**OTHERS PRESENT: *(all or part of the meeting)***

**Michigan Department of Agriculture Staff  
Ron Zellar, Attorney General's Office  
Tom Baker, Dodak, Kelly & Associates  
Dr. Margaret Benson, Michigan State University  
Scott Everett, Michigan Farm Bureau  
Tom Frazier, Senator Spencer Abraham's Office  
Tom Hickson, House Republican Staff  
Dr. Maynard Hogberg, Michigan State University  
Charles Kline, Midland, Michigan  
Richard Lamb, Presque Isle Newspapers  
Dr. Reed Macarty, USDA-APHIS-VS  
Bob Meyer, USDA-APHIS-VS  
Ron Nelson, Michigan Farm Bureau  
John Noffze, Hillman, Michigan  
Bridget Kavanagh-Patrick, Michigan Department of Community Health  
Andrea Quinn, North Star Select Sires  
Doug Roberts Jr., House Republican Staff  
Phillip M. Stevens, representing Tulgestke Farms  
Gordon Tulgestke, Tulgestke Farms  
Michael B. Tulgestke, Tulgestke Farms  
Bridgette Voisnet, Michigan Cattlemen's Association**

***(The Commission participated in portions of "The Food System of the 21st Century: Strategic Opportunities and Challenges MSU Workshop," Kellogg Center, East Lansing, Michigan, on February 7-9, 2000.)***

**CALL TO ORDER AND ROLL CALL:**

**Chair Maitland called the meeting to order at 2:00 p.m., on February 8, 2000. Secretary Skogman called the roll with Director Wyant and all Commissioners present, except for Commissioner Darling.**

**APPROVAL OF AGENDA:**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE FEBRUARY 8-9, 2000, AGENDA AS PRESENTED. SECONDED.**

**MOTION TO AMEND:**

**CHAIR MAITLAND MOVED TO AMEND THE AGENDA AND ADD AS AN AGENDA ITEM "PRESENTATION OF THE DRAFT ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES."**

**AMENDED MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF MINUTES:**

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE JANUARY 13-14, 2000, MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**NEXT MEETING:**

**The next meeting of the Commission of Agriculture will be held on March 8-9, 2000, in East Lansing, Michigan. The meeting will be held in conjunction with the MSU Agriculture and Natural Resources Week. A joint meeting with the Natural Resources Commission will be held on March 8, 2000.**

**Commissioners Maitland and Tatter advised that they would not be in attendance at the March meeting.**

**The April Commission meeting will be held on April 12 in Lansing and will begin at 10:30 a.m.**

**APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL:**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE COMMISSIONER STAMP'S PER DIEM AND TRAVEL TO ATTEND THE NATURAL RESOURCES MEETING HELD JANUARY 12, 2000, IN LANSING, MICHIGAN. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF DIRECTOR'S OUT OF STATE TRAVEL:**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE DIRECTOR WYANT'S TRAVEL TO ATTEND A MEETING ON MARCH 16, 2000, IN WASHINGTON, D.C. WITH MICHIGAN'S CONGRESSIONAL DELEGATION AND USDA REGARDING BOVINE TUBERCULOSIS IN MICHIGAN. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS' COMMENTS:**

**Commissioner Deanna Stamp attended the Michigan Association of Counties meeting held February 7, 2000. Senator Gast, Director Wyant and Commissioner Stamp participated in a panel discussion on the future of Michigan agriculture. Director Wyant also presented an update on the bovine tuberculosis situation in Michigan.**

**Commissioner Stamp read from an article written by Dr. Norman St. Pierre, Ohio State University. Dr. St. Pierre compared the assets of a 1,000-cow dairy operation, often referred to as a "factory farm," or "mega" farm having annual gross sales of \$5 to \$6 million, to a medium-sized grocery store. A dairy farm with annual gross sales of about \$3 to \$4 million compares the same as a modern gas station. The difference is these grocery stores and gas stations receive tax abatements and would be welcomed into the community. The new and efficient dairies are sometimes seen as a threat to the community and the environment.**

**He believes that these large dairies are for the most part still family-owned and operated and should not be considered a threat to the community, to the environment, or to the survival of the small farm. Dr. St. Pierre made the point that these dairies may very well be the lifeblood of the communities that they support. They help to maintain the community's infrastructure; e.g., equipment dealers, feed and supply companies, veterinarians, and processing plants. He believes that one-dollar going to a dairy provides another \$7 to \$10 in economic activity in the community where they are located per year.**

**Commissioner Jordan Tatter reported that winter finally arrived in southwest Michigan in mid-January with below zero temperatures. However, no fruit bud injury has resulted to date. Commissioner Tatter**

said that he was given the opportunity by State Representative Charles LaSata to attend the Governor's State of the State speech, and felt it was an impressive event and message.

Commissioner Tatter, Bob Craig and Dr. Chuck Cabbage met with Roy Hackert, President and Chief Executive Officer of Mason County Fruit Growers Cooperative, and Roger Warmuskerken, manager of their Hart facility. The topic was a Michigan Department of Environmental Quality citation and fine that resulted from the spillage of food grade material during a processing procedure at the plant. A meeting was also held with Ron Steiner, Executive Director of the Oceana County Economic Development Corporation and City Manager Scott Huebler. Discussions focused on food processing, economic development, and Renaissance Zone status acquisition for the city and the surrounding area in Oceana County.

Commissioner Tatter also participated in the following:

- A local meeting of Michigan Agri-Women, where he spoke on the multiplicity of services performed by the Michigan Department of Agriculture and the current agricultural economic situation.
- An Act 51 Transportation Study Committee meeting held in Lansing, serving as the agricultural representative on the committee. The committee's report is now in draft form and constituent responses are being solicited.
- A "Legislative Review" conducted by Rich Studley, Senior Vice President of Government Relations, Michigan Chamber of Commerce. This is an annual presentation that follows the Governor's State of the State message and is sponsored by the local Chamber of Commerce.
- A meeting with the Cherry Marketing Institute in Traverse City, Michigan.
- An information meeting on bovine tuberculosis held in Ellsworth, Michigan.
- An Agricultural Service Club meeting where Ernie Birchmeier of the Michigan Farm Bureau spoke on the Right to Farm issue.
- The Southwest Michigan Horticulture Days, where MDA staff manned informational displays and were presenters on educational programming during the well-attended, two-day event. Commissioner Tatter also participated in the evening Grape and Wine Industry Council reception, and the Grape and Wine Industry Council's meeting held the following day.
- The Food System of the 21<sup>st</sup> Century: Strategic Opportunities and Challenges MSU Workshop," held at the Kellogg Center, February 7-9, 2000.

Commissioner Tatter stated that due to the discovery of Plum Pox Virus in Pennsylvania a Canadian embargo on all Prunus species, except cherries, has been placed on the entire United States. This is the first finding of the disease in North America and this ban on shipments of plant materials to Canada has a serious economic impact on Michigan and the nation. Commissioner Tatter suggests that the National Association of State Departments of Agriculture (NASDA) request that USDA place an identical ban on Canadian plant material immediately. This action should result in the application of sound science and negotiations at a rapid pace so all parties do not lose a growing/shipping season.

Commissioner Shirley Skogman reported that the deer herd in the Upper Peninsula is experiencing a very mild winter; the stress index is very low. Turkeys are in abundance and there are reports of 200 to 300 in some flocks. Commissioner Skogman received a complaint relative to a farmer's manure management practice that she referred to the department. She was asked to speak at a March meeting of the "U.P. Growing Agriculture," on the bovine tuberculosis issue, but had to decline due to the March Commission meeting. She also was asked to be a judge at the Farm Bureau discussion topic group in the Upper Peninsula.

The annual meeting of the Michigan Seed Potato Association and the Michigan Potato Industry will be held February 9-10, 2000. Commissioner Skogman is very concerned about the proposed changes in Rule 628 and what is currently happening in the potato industry. There is much uncertainty in the potato industry because the smaller producers are unable to compete. She said one of the biggest problems is convincing Michigan growers to buy Michigan seed. She said it is hard to understand why

because U.P. producers do not have late blight or potato beetle problems as in other seed potato growing areas.

Commissioner Douglas Darling submitted the following written comments:

"I regret missing the January meeting due to the flu. I also regret missing the February meeting due to the MSU Study-Trade trip to Chile and Brazil. I will have a complete report for March.

"On December 14, 1999, I spoke to the Monroe County Supervisors Association regarding Senate Bill 205, Right to Farm. They had many questions. There is a great deal of misinformation and misunderstanding going on in local government regarding Right to Farm and the GAAMPs.

"I attended the Genetic Modified Organism (GMO) meeting on December 17, 1999, sponsored by the Michigan Agri-Business Association and Michigan Farm Bureau. It answered many questions and gave insight to the future. On January 10, I attended the Michigan Agri-Business Association reception in Lansing. Discussion ranged from TB in deer and livestock to GMOs. On January 26, Director Wyant did an outstanding job speaking at the luncheon at the Farmer Awareness Day in Maybee. About 140 people attended the one-day meeting. Dan was the highlight. Also on this day I spoke to the Livingston County Farm Bureau Board of Directors about the World Trade Organization (WTO), MDA, and TB.

"I am currently planning to attend the Michigan Farm Bureau Legislative Seminar on February 15 and the Michigan Corn Growers annual meeting on February 24.

"I've heard a number of producers voice their concern over the wide spread in price of agriculture commodities to consumer's price in the store.

"I've also heard a number of livestock producers voice their concern over the TB issue and the deer outside the surveillance zone. Many are supporting a feed and baiting ban statewide on deer. From reading the studies, and the presentation by Diana Whipple of USDA on the transmittal of TB in feed stuff, I, too, would support the ban."

Commissioner James Maitland reported that the Grand Traverse Fruit Growers Council held a two-day show at the Grand Traverse Resort in January. He said it is good that Michigan grape growers are beginning to participate in the show. Commissioner Maitland said that he appreciated the bovine tuberculosis informational meeting with local farmers held in Ellsworth, Michigan. He felt that the presentation by MDA was very good and appreciated the exchange of information.

#### DIRECTOR'S REPORT: Dan Wyant

The Director highlighted the following monthly activities:

- Spoke at the Michigan Townships Association (MTA) Annual Meeting to approximately 400 local township officials about Right to Farm and Senate Bill 205. Director Wyant reaffirmed MDA's commitment to continue its partnership with the MTA on the issue;
- Met with farmers in Northeast Michigan about bovine tuberculosis;
- Met with commodity executives about PA 232 and promoting Michigan agriculture using export promotional programs available at the state and federal level;
- Met with Travel Michigan and the Michigan Department of Transportation to discuss beautifying Michigan's entryways. Discussions also will be held with the nursery and landscape industry.
- Participated in a meeting with 300 Monroe area farmers to discuss biotechnology, estate planning and the future of Michigan agriculture;
- Met with Representative Hart and Representative Brown in their districts to continue the Right to Farm discussion;
- Participated in a meeting of the Farm Service Credit Agency and spoke on the future of Michigan agriculture; specifically addressed bovine tuberculosis and land use issues;
- Participated in a public forum of over 200 people, sponsored by Representative Howell, on land

use in Saginaw County;

- Spoke to a group of Helena chemical dealers on the issue of consolidation of the industry sectors and bovine tuberculosis;
- Chaired the Michigan Grape and Wine Industry Council meeting. This is a fast growing industry in Michigan. Travel Michigan is very interested in showcasing Michigan wineries and Michigan farm markets;
- The Commission and Director Wyant will attend the Central Plant Board reception February 8, 2000. Some of the issues that will be addressed are Plum Pox Virus, Gypsy Moth, Pine Shoot Beetle, invasive species and other issues affecting the 15 states within the central region.

Director Wyant introduced Kathleen Kissman, the new director of the Marketing and Communications Division. The Commission welcomed Ms. Kissman to MDA.

Director referred to the Governor's State of the State message and noted the Governor's recognition of the need to preserve agriculture. The Governor will be speaking on these issues at the February 15, 2000, Michigan Farm Bureau Legislative Seminar.

The Director and Budget Analyst Deborah Laverty distributed and reviewed a summary of the Michigan Department of Agriculture FY2001 Executive Budget.

Director Wyant recognized Dr. Charles Cubbage and thanked him for his years of service to the Department of Agriculture and the industry. Dr. Cubbage has retired from state service, but will continue to serve in an advisory role. The Commission expressed its appreciation to Dr. Cubbage for his expertise and assistance over the years.

The Director and Vicki Pontz-Teachout distributed and reviewed the MDA Michigan Agricultural Environmental Assurance Program (MAEAP), *"A Pollution Prevention Initiative,"* dated February 2000. MAEAP is an industry-led initiative in partnership with local, state and federal agencies, MSU, conservation districts, and environmental organizations. The program will establish incentives for producers to voluntarily assess the environmental and public health risks on their farms and form action plans to minimize those risks. Its mission is to develop and implement a recognized, proactive environmental assurance program which insures that Michigan farmers are engaging in cost-effective pollution prevention practices and are in compliance with federal, state and local environmental regulations.

#### Director's Written Report - February 2000

Commissioner Tatter expressed his concern about the potential impact of the Plum Pox Virus on the stone fruit industry in Michigan and the nation. Commissioners Tatter and Maitland recommended a Commission of Agriculture Resolution be written expressing support for the eradication of Plum Pox Virus, as well as compensation of farmers whose orchards are destroyed to protect the U.S. stone fruit industry. A draft resolution will be presented on February 9, 2000.

Director Wyant will be attending the National Association of State Departments of Agricultural (NASDA) Mid-Year meeting in March where a presentation will be made to the Plant/Animal Health Advisory Committee on the Plum Pox Virus issue.

Commissioner Tatter recommended that this information be presented prior to the NASDA meeting, which will offer the opportunity for pre-meeting review, with action taken at the NASDA March meeting.

#### APPROVAL OF THE RATE SCHEDULE FOR THE UPPER PENINSULA STATE FAIR: Barb Hensinger, director of the Fairs, Exhibitions and Racing Division

Barb Hensinger, director of the Fairs, Exhibitions and Racing Division, reviewed and recommended approval of the *"MDA Upper Peninsula State Fair Rate Schedule for Rental of Buildings and Grounds (Non-Fair)."*

**Commissioner Tatter asked how these rates compare to privately owned charges for similar services in the Escanaba area.**

**Ms. Singsler replied that the rates are comparable; however, there are no other confined storage areas available in Escanaba similar to the fairgrounds.**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE RATE SCHEDULE FOR THE UPPER PENINSULA STATE FAIR AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**UPDATE ON BOVINE TUBERCULOSIS: Dr. H. Michael Chaddock, State Veterinarian and director of the Animal Industry Division,**

**Dr. H. Michael Chaddock, State Veterinarian and director of the Animal Industry Division, distributed and reviewed the most recent information on bovine tuberculosis in Michigan. Dr. Chaddock introduced Dr. Reed Macarty, USDA, APHIS-VS, Area Veterinarian in Charge, and Dr. Bob Meyer, a regional epidemiologist with USDA, APHIS-VS. Dr. Chaddock also advised that Dr. Andy Clark, the Oregon State Veterinarian, Dr. Nancy Roberts, an area epidemiologist from Oklahoma, and Dr. Don Evans, an area epidemiologist from Kansas, are currently in Michigan performing a program review of Michigan's bovine tuberculosis program.**

**Dr. Chaddock provided the following information:**

- **As of February 7, 2000, a total of 57,207 individual tests, representing 1,127 herds, have been conducted in the Northeast Michigan. Of the 57,207 tests, the total number of cattle tested on these whole herds is 41,596. Some cattle have been tested more than once.**
- **There are three herds remaining in Northeast Michigan to be tested.**
- **Three deer (one in Antrim County, one in Osceola County, and one in Mecosta County) located outside of the I-75/M-55 area have been confirmed to have bovine tuberculosis.**
- **Three public educational/informational meetings have been held, one in Ellsworth, Michigan (175 people attended); one in Tustin, Michigan (350 people attended), and one in Remus, Michigan, (450 people attended).**
- **A ten-mile radius has been drawn around the section where the deer were harvested; testing will begin on cattle, goats, bison, and captive cervidae within this radius.**
- **Personnel from USDA will assist with the testing, as will accredited veterinarians from around the state. MDA, in cooperation with the Michigan Veterinary Association and MSU, will organize several educational/training meetings on testing requirements, procedures and responsibilities.**
- **An educational/training seminar for MSU-Extension was held in the Higgins Lake area.**
- **There is one beef herd operation in Charlevoix County that purchased animals from a previously infected beef herd in Presque Isle County. Records indicate that four animals were purchased and one of those animals died during calving. The other three animals were purchased by the state and sent to the MSU animal health diagnostic laboratory. The pathologist's findings indicate the tissues were suspicious and compatible with bovine tuberculosis. These tissues have been sent to the USDA laboratory in Ames, Iowa.**
- **Eight reactor animals have been removed from a dairy herd in Presque Isle County. Samples from those animals were sent to the MSU laboratory. Findings indicate that one of the animal's tissues suspicious for bovine tuberculosis. These tissues were sent to Ames, Iowa, and results show the tissues to be compatible with bovine tuberculosis.**
- **A letter has been received from the California State Veterinarian expressing concern about the continued existence of bovine tuberculosis in Michigan. Effective immediately, California is requiring that all cattle, bison, goats, and captive cervidae native to, originating in, or exposed to tuberculosis in Michigan must:**
- **Obtain a permit from California's Animal Health Branch for each shipment within 15 days before entering California;**

- Originate from a herd that has been found negative to an official whole herd tuberculosis test administered not more than 12 months before their arrival in California;
- Be included in the herd at the time of the whole herd test;
- Be tested negative for tuberculosis within 30 days before entry;
- Have certificates of veterinary inspection showing individual identification, the results of the whole herd test and individual animal tests;
- Be placed under written hold order on the first premises of arrival in California;
- Be released from hold order after a negative retest for tuberculosis in California within 60 to 120 days after arrival (within 90 to 120 days for cervidae.)

All cattle, bison, goats, and captive cervidae native to, originating in, or exposed to a county or region under quarantine for tuberculosis in Michigan are not eligible for entry into California. These requirements are in addition to other testing and permit requirements already in effect.

- Dr. Chaddock and Dr. Torres, Deputy Administrator for Veterinary Services sent a joint letter to the states outlining the surveillance that has taken place in Michigan. A handout also was prepared and distributed to all the states and the federal veterinary offices.
- Several focus group meetings have been held with producers; e.g., one with practicing veterinarians and one with saleyards in the area. MDA staff will submit an informational package to Director Wyant discussing the need to continue statewide surveillance. Ongoing meetings will be held with the various industries and professions to gather input.

Director Wyant stated that MDA has reinforced with Robert Bender, State Bovine Tuberculosis Eradication Coordinator, and the DNR the need for (1) additional restrictions on statewide feeding and baiting, (2) disease control permits, (3) surveillance, and (4) appropriate deer numbers to ensure that the Michigan is moving toward statewide eradication of bovine tuberculosis.

Dr. Chaddock explained that the USDA team in Michigan is performing a program review only and is not making a determination on Michigan's status. Program review findings will be shared with the Deputy Administrator and then a determination will be made based on that information.

#### APPROVAL OF WILDLIFE CONSERVATION ACT NORMAL AGRICULTURAL PRACTICES: Steve Shine, Environmental Stewardship Division

Steve Shine of the Environmental Stewardship Division reviewed and recommended approval of the *"Wildlife Conservation Act Normal Agricultural Practices."*

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE WILDLIFE CONSERVATION ACT NORMAL AGRICULTURAL PRACTICES WITH THE FOLLOWING CHANGES TO PAGE 7,

LINE 8:"AGRICULTURAL BY-PRODUCTS (AND), CULLED AND UNMARKETABLE COMMODITIES...;

LINE 10: "AGRICULTURAL BY-PRODUCTS (AND), CULLED AND UNMARKETABLE COMMODITIES...." SECONDED. MOTION CARRIED UNANIMOUSLY.

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#### UPDATE ON FARM FINANCING: Jim Bremer, Farm Credit Services

Director Wyant introduced Mr. Jim Bremer of Farm Credit Services and recognized Mr. Bremer's support of and leadership in Michigan agriculture. Mr. Bremer recently retired, but will continue to serve in an advisory role.

Mr. Bremer talked briefly about farm credit in Michigan. He said Farm Credit Services is the nation's largest provider of credit to agricultural producers and their organizations. Previously, there were five different organizations in Michigan that merged into a single organization on January 1, 2000, called

**"Greenstone," headquartered in East Lansing, Michigan.**

**Mr. Bremer's slide presentation highlighted the following:**

- 1998 was a very poor production year; 1999 was a very good production year, but poor prices. The year 2000 so far indicates that there is not enough cash flow, primarily due to commodity prices.
- It is uncertain at this time what the government is going to do, making it difficult for Farm Credit to project.
- Farm credit quality is surprisingly good. Agriculture has not seen the big negative trends expected in credit quality because of the good production this year and government financial support for agriculture.
- Loan demand for mortgages is fairly good; commercial loans are in weak demand.
- Interest rates are one percent higher than 1999.
- Credit for 2000 is available.
- There is a slight increase in farm real estate values mostly due to residential and recreational demand.
- Net farm income is holding fairly steady at just under \$60 billion nationally. It is projected to drop below \$50 billion during 2000, without government support. The composition of farm income has changed. In 1994, for example, government payments were about \$7 billion, last year they were \$22 billion, a three-fold increase just to keep net farm income about the same.
- Farm Credit continues to be a player in value-added cooperatives.

Chair Maitland expressed his appreciation to Mr. Bremer and suggested that this type of review be presented on an annual basis to the Commission.

**TASK FORCE RECOMMENDATIONS TO PROCEED WITH PUBLIC REVIEW OF GENERALLY ACCEPTED AGRICULTURAL PRACTICES FOR THE CARE OF FARM ANIMALS: Dr. Margaret Benson, Michigan State University**

Dr. Margaret Benson presented and recommended approval proceed with public review of the *Generally Accepted Agricultural Practices for the Care of Farm Animals*.

**MOTION: COMMISSIONER STAMP MOVED TO PROCEED WITH PUBLIC REVIEW OF THE GENERALLY ACCEPTED AGRICULTURAL PRACTICES FOR THE CARE OF FARM ANIMALS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**TASK FORCE RECOMMENDATIONS TO PROCEED WITH PUBLIC REVIEW OF GENERALLY ACCEPTED AGRICULTURAL PRACTICES FOR CRANBERRY PRODUCTION: Vicki Pontz-Teachout, director of the Environmental Stewardship Division**

Vicki Pontz-Teachout presented and recommended approval of the task force recommendations to proceed with public review of the *Generally Accepted Agricultural Practices for Cranberry Production*.

**MOTION: COMMISSIONER TATTER MOVED TO PROCEED WITH PUBLIC REVIEW OF THE GENERALLY ACCEPTED AGRICULTURAL PRACTICES FOR CRANBERRY PRODUCTION AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**DRAFT ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES: Vicki Pontz-Teachout, director of the Environmental Stewardship Division**

Vicki Pontz-Teachout distributed and reviewed the *"Draft Annual Review Process for Generally Accepted Agricultural and Management Practices."*

Chair Maitland explained that the purpose of developing this process is to ensure that the GAAMP



annual review is done properly, receives appropriate input, and is a consistent procedure.

**MOTION: COMMISSIONER STAMP MOVED TO APPROVE THE ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison**

Brad Deacon, Legislative Liaison, distributed and reviewed the "MDA House and Senate February 2000 Legislative Report." He added that there continues to be a lot of interest in Senate Bill 205.

**PUBLIC COMMENT**

No public comment was offered at today's meeting.

**RECESS**

The meeting recessed at 5:20 p.m.

**RECONVENE**

The meeting reconvened at 10:00 a.m. on February 9, 2000.

**PRELIMINARY APPROVAL TO PROCEED WITH THE RULEMAKING PROCESS FOR AMENDMENTS TO REGULATION 628, "SEED POTATO CERTIFICATION:" Kenneth Rauscher, director of the Pesticide and Plant Pest Management Division**

Kenneth Rauscher, director of the Pesticide and Plant Pest Management Division, reviewed and recommended approval of the proposed amendments to Regulation 628, "*Seed Potato Certification*." Mr. Rauscher said that meetings have been held with industry and suggested amendments are incorporated in Regulation 628.

**MOTION: COMMISSIONER SKOGMAN MOVED TO PROCEED WITH THE RULEMAKING PROCESS FOR AMENDMENTS TO REGULATION 628, "SEED POTATO CERTIFICATION." SECONDED. MOTION CARRIED UNANIMOUSLY.**

**UPDATE ON THE STATUS OF THE GAAMPS FOR SITE SELECTION AND ODOR CONTROL TASK FORCE: Dr. Maynard Hogberg, Michigan State University**

Dr. Maynard Hogberg, Michigan State University, updated the Commission on the process of developing the new GAAMPS for Site Selection and Odor Control. Dr. Hogberg distributed a copy of the GAAMPS task force membership list.

Director Wyant added that the GAAMPS' committee members are and always have been scientific by nature and include representation as outlined in statute. Once the GAAMPS have been developed, they will be brought before the Commission for approval to proceed with the public review process.

Chair Maitland suggested that each committee member listed includes the organization that he/she represents.

**PRESENTATION OF MICHIGAN FARM BUREAU 2000 POLICIES: Ron Nelson, Michigan Farm Bureau**

Ron Nelson of the Michigan Farm Bureau distributed and reviewed the "*Michigan Farm Bureau 2000 Policies*" booklet. Mr. Nelson highlighted the following:

Policy No. 2 "*Michigan Department of Agriculture*  
Policy No. 4 "*Right to Farm*"  
Policy No. 10 "*Licensing Livestock Dealers Act*"  
Policy No. 14 "*Meat Inspection*"

**Policy No. 15 "Private-Owned Cervidae"**  
**Policy No. 16 "Bovine Tuberculosis"**  
**Policy No. 17 "Project GREEN"**  
**Policy No. 22 "Cranberries"**  
**Policy No. 23 "Michigan Nursery, Floriculture and Greenhouse Industry"**  
**Policy No. 25 "Aquaculture and Commercial Fishing"**  
**Policy No. 29 "Liquid Fertilizer Storage"**  
**Policy No. 30 "Value-Added Initiatives"**  
**Policy No. 31 "Stray Voltage"**  
**Policy No. 35 "Land Use"**  
**Policy No. 40 "Agricultural Drainage"**  
**Policy No. 45 "State Pesticide Management Plan"**  
**Policy No. 51 "Employer-Provided Housing"**  
**Policy No. 58 "Labor Housing Zoning"**  
**Policy No. 64 "Michigan FFA Foundation and Vision2000"**  
**Policy No. 73 "Taxation"**  
**Policy No. 88 "Utility Line Placement"**

### **APPROVAL OF COMMISSION OF AGRICULTURE RESOLUTION**

**Chair Maitland presented the following Commission of Agriculture Resolution honoring Jack Laurie, President of the Michigan Farm Bureau:**

**WHEREAS, Jack Laurie was elected Vice President of the American Farm Bureau Federation's Board of Directors on January 13, 2000, representing more than 4.7 million farm families nationwide; and**

**WHEREAS, Jack Laurie has served as a member of the Board of Directors of the American Farm Bureau Federation since 1989, representing the Midwest Region; and**

**WHEREAS, Jack Laurie has served as a member of the American Farm Bureau Federation Executive Committee and the Farm Policy Committee, which drafted the AgRecovery Action Plan in 1999; and**

**WHEREAS, Jack Laurie has served as President of Michigan Farm Bureau since 1986, prior to which he served as vice-president for nine years; and**

**WHEREAS, Jack Laurie and his family operate a 1600-acre farm near Cass City, Michigan producing feed grains, alfalfa and soybeans. They also maintain a 650-cow dairy herd on this third generation family-owned and managed farm; and**

**WHEREAS, the Michigan Department of Agriculture is proud to partner with Jack Laurie and the Michigan Farm Bureau to maintain the strength of our state's agriculture industry, the second largest industry in Michigan; and**

**WHEREAS, all of Michigan agriculture is extremely proud of the lifelong accomplishments of Jack Laurie and the manner in which he has exercised leadership in the agricultural community of this state and nation.**

**NOW THEREFORE BE IT RESOLVED that the Michigan Commission of Agriculture honors Jack Laurie on the occasion of his election to Vice-President of the American Farm Bureau Federation Board of Directors and joins his family and friends in congratulating Jack Laurie on his success in attaining this new position of leadership.**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE COMMISSION OF AGRICULTURE RESOLUTION HONORING JACK LAURIE, PRESIDENT OF THE MICHIGAN FARM BUREAU. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**UPDATE ON THE OFFICE OF RACING COMMISSIONER: Annette Bacola, Racing Commissioner**

Annette Bacola, Racing Commissioner, distributed and reviewed information about *"Pari-mutuel Horse Racing in Michigan," "Live and Simulcast Handle Comparison 2000 vs. 1999 Through January 23, 2000,"* and *"Handle and Attendance Comparison 1999 vs. 1998."*

Ms. Bacola said that Frank Stronach, founder and Chief Executive Officer of MagnaInternational, Inc., and MI Entertainment Corporation (MEC), Ontario, Canada, its non-automotive subsidiary, has entered into an agreement to acquire the assets and racing dates of Great Lakes Downs.

Ms. Bacola said that total wagering for 1999 was \$416.6 million, down 10.2%, from the \$463.8 million total for 1998. The major reason for the decrease was the closure of Ladbroke DRC. Other reasons for the decrease in total wagering were the opening of two new casinos in Detroit; the first full year of operation of Windsor Harness Raceway's "Racino" (horse racing and slots); the first full year of operation of the new permanent casino in Windsor; and increased betting by Michigan racing fans through telephone account wagering in other states.

She said one of the biggest challenges facing the industry is building up the horse racing audience in the state. To meet this challenge means improving facilities and racetracks, better breeding programs, more Michigan-bred horses, promotion and advertising, and good media coverage.

**OVERVIEW OF THE SPARKS COMPANIES, INC. REPORT "TRENDS IN MICHIGAN AGRICULTURE:"**  
**John Czarnecki, Michigan Economic Development Corporation and Robert Craig, Office of Agriculture Development**

Robert Craig, director of the Office of Agriculture Development, and John Czarnecki, Michigan Economic Development Corporation (MEDC), distributed and reviewed the Sparks Companies, Inc. report *"Trends in Michigan Agriculture."* Sparks Companies, Inc. was commissioned to conduct a study of trends in Michigan agriculture on behalf of the Michigan Economic Development Corporation. The study involved the identification of key social, economic and technical trends in selected Michigan agricultural sectors. Mr. Czarnecki and Mr. Craig highlighted the following information:

- Implications for Michigan Agriculture:
- Farm Structure: Moderately Negative Implications
- Field Crops: Neutral to Moderately Negative
- Fruit Crops: Neutral to Moderately Positive
- Vegetables: Moderately Negative
- Nursery and Greenhouse Products: Positive
- Livestock and Poultry: Neutral to Moderately Positive
- Technical and Value-Added Trends in Agriculture: Neutral
- Socio-Economic Issues: Negative
- Recommendations:

1. The Michigan Department of Agriculture (MDA) needs to strengthen its Office of Agricultural Development and its relationship with the MEDC to promote the agricultural processing industry in the state. A staff member within the MDA should be identified to be a liaison for the interests of the agricultural processing industry.

2. MDA, working in partnership with MEDC, should explore opportunities to attract or expand agribusiness where either trends are favorable to Michigan agriculture (nursery/greenhouse, potatoes, soybeans, sweet cherries, hog production) or niche market opportunities exist (blueberries, cattle, or organic products, maple syrup).

- 3. The MEDC should attempt to attract the agricultural biotechnology industry to Michigan.**
- 4. The State of Michigan should enact use value property assessment criteria for ag real property.**
- 5. The State of Michigan should change the current state law regarding the treatment of production agriculture cooperatives.**
- 6. The State of Michigan should continue efforts to fully connect and integrate its transportation system as discussed in the MEDC's report "Strategic Directions for Michigan's Future."**
- 7. To increase the efficiencies of certain processing operations, the State of Michigan should provide classes in English as a second language.**
- 8. To address the need for skilled workers, MSU's placement and executive education services should be enhanced.**
- 9. Support the planning process to begin laying the groundwork for establishing a center for strategic initiatives for Michigan's food and agriculture industry.**

**COMMISSION OF AGRICULTURE RESOLUTION ON PLUM POX VIRUS:**

**Kenneth Rauscher, director of the Pesticide and Plant Pest Management Division, presented and recommended approval of the following proposed Plum Pox Resolution, dated February 9, 2000:**

**WHEREAS, Michigan is the largest producer of stone fruit in the Midwest with 7,500 acres of peaches, apricots, plums and nectarines, with an annual market value of approximately \$65 million. In addition, Michigan nurseries annually produce \$10 million worth of fruit tree stock; and**

**WHEREAS, in October 1999, plum pox disease was identified in peach orchards in Adams County, Pennsylvania, which was the first detection of this disease in North America; and**

**WHEREAS, on November 19, 1999, Canada invoked a quarantine prohibiting the shipment of stone fruit plants (except cherries) from the United States as this virus disease is known to infect trees of the species prunus including peach, plum, apricot, nectarine, and almond; and**

**WHEREAS, in Europe, plum pox is considered the most serious disease affecting stone fruit, reducing yields and causing deformed and unmarketable fruit; and**

**WHEREAS, there is no cure for this disease once a tree becomes infected and the disease is spread by several species of aphids and by movement of infected budwood and nursery stock; and**

**WHEREAS, the strain of the virus discovered in Pennsylvania is not known to be seed transmitted and for many years, prunus nursery stock and budwood have been traded by producers across the Canadian and United States border;**

**NOW, THEREFORE BE IT RESOLVED, since this disease was discovered late in the growing season and little survey work has been completed, the Michigan Commission of Agriculture recommends that United States Secretary of Agriculture Glickman develop, coordinate and fund a standard survey protocol to determine the presence or absence of plum pox in horticultural and ornamental prunus species across the U.S.;**

**FURTHER BE IT RESOLVED, that the Michigan Commission of Agriculture urges the eradication of this disease by immediately enacting a federal quarantine in the infected area, declaring an extraordinary emergency along with the issuance of destruction orders and compensation provisions when rates are established and needed funds are approved;**

**FURTHER BE IT RESOLVED, that Secretary Glickman pursue equal quarantine measures with respect to Canadian prunus materials and aggressively negotiate fair, harmonious and scientifically sound policies regarding the trade of prunus plant material between the U.S. and Canada which recognize**

actual disease risk and the history of plant material exchange between the two countries;

**FURTHER BE IT RESOLVED**, that until such negotiations are completed, Secretary Glickman pursue quarantine measures with respect to Canadian prunus materials that are consistent with the November 19, 1999, Canadian Quarantine;

**FURTHER BE IT RESOLVED**, that the federal Office of Management and Budget move quickly to identify and make available the funds necessary to adequately compensate for the production losses of those farmers whose trees must be removed in order to eradicate this disease from the United States.

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE COMMISSION OF AGRICULTURE RESOLUTION ON THE PLUM POX VIRUS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

Following is a summary of comments made by Gordon Tulgetske, representing Tulgetske Farms:

Mr. Tulgestke has worked for Farm Credit Services for past 28 years and is currently its senior financial services officer at its Traverse City branch. They are meeting with the Commission today to implore MDA to change its policy of whole herd slaughter when a single infected animal is found in a herd.

Tulgetske Farms is located in Bismark Township of Presque Isle County and consists of 280 acres. His grandfather purchased the farm in 1929. His grandfather and father cleared much of the land. There have always been dairy cows on the farm. Originally there was a 24-stanchion basement barn where the cows were milked by hand, which was very typical for small farms during that time. His grandfather and father survived by hard work and perseverance. They survived the depression; cut timber in the winter to supplement the farm income, and his mother held a part-time job. They worked with four neighboring farms by sharing equipment and labor. None of those four farms are in business today.

In the mid 1950s, they lost most of their cows to brucellosis and in the 1960s, his father took a job at the limestone quarry in Rogers City, while his sons milked the cows and took care of the farm. His father just celebrated his 80th birthday and like many old dairy farmers he suffers from bad knees and had to have hip replacement surgery. He has suffered through a lot of hardships, the greatest of which was when his wife was killed in a 1997 farming accident.

His brothers, Clifford and Mike, stayed on the farm. After Mike graduated from MSU with a dairy degree, they worked together to build a sound 80-cow dairy herd. It takes many long hours and viable management decisions to succeed in the dairy business. This is especially true in northern Michigan where the soils are not the best, the growing season is short, and there are not a lot of other options.

It would be a real tragedy to put this third generation farm out of business, or any other farm for that matter, due to no fault of their own. If one positive cow can destroy three generations of hard work, why would anyone want to continue in the dairy business and take the risk of being re-infected?

Senator McManus recently held hearings around the state and, in fact, he held one in Traverse City, to ask what state government could do to preserve the family farm. The policy of destroying whole herds of livestock is not helping to preserve family farms, especially in northern Michigan. The land is not well-suited for cash crops and livestock is one of the few options. In Northeast Michigan, there is no residential influence so the land could not be converted into a golf course.

Michigan was able to gain its TB free status in the 1960s and 1970s by removing only the reactor animal and continuing the necessary testing. According to many older veterinarians, that was the procedure in the past. Texas is not a TB free state, but it still maintains a viable dairy and beef industry, without the TB free status. If MDA is going to continue this whole herd destruction policy, with only one positive cow, will it continue that policy now that three positive deer have been found in Antrim, Mecosta and Osceola counties? Will that policy include the large dairy herds in Osceola and Mecosta counties or the mega herds, like Green Meadows, in Clinton County? Are we willing to sacrifice the smaller herds in

**Northeast Michigan while the state still has the money, or does this aggressive eradication policy need to be changed?**

**We urge you, as a policy making body for Michigan agriculture, to rethink this policy.**

**Following is a summary of comments made by Mike Tulgestke of Tulgestke Farms: (*Mr. Tulgestke's written comments can be found as an attachment*)**

**When he wrote his remarks for today he did not know that he had a positive cow in the herd. According to MDA and USDA ,it is still their policy to eradicate the whole herd. What if that one reactor cow would have come back negative, as most reactors have? There have been 45 reactor animals taken from the 11-county area; only eight have tested positive, less than one in five. All of their seven animals were destroyed.**

**If Dr. Bruning-Fann is allowed to continue to do whatever she wants whenever she determines that a high risk area exists, then the entire state's dairy industry is in trouble. If she determines that the entire state is a high risk area, or that Mecosta, Osceola or Antrim counties are high risk areas whenever or wherever she finds a positive deer, then she is the dairy industry's worst enemy. For six years, six of the eight cows she took, including the reactor, were either bred or confirmed pregnant. The Tulgestke Farm will lose about \$171,000 due to loss in lactation on those six cows and their conceived calves.**

**The recent feeding and baiting laws are a joke, a written joke. These are the signs that are posted in gas stations, bars and grocery stores: "Attention deer, this is not a bait pile, this is a compost pile. Pursuant to Michigan Wildlife Conservation Order 3.100 you are prohibited from eating from this pile. Violators will be shot on site." Every gas station sells feed. There were only four tickets issued for baiting in Presque Isle County this fall. One state agency is living up to the letter of the law, while another state agency does not follow the laws mandated.**

**Michigan's agriculture is done in unless we do something different. If this one cow had been tested the same way as deer, we would not have this problem. They cut off the deer's head and send it in for testing. This one cow had an enlarged lymph node between the lungs--no lesions on the rib cage, the lungs, or anywhere. If it had been tested as a deer, that cow would have been negative. The deer are not tested the same. Dr. Chaddock told them that the deer from the Muy Grande Ranch were tested the same way as the wild deer. A taxidermist in the area had 42 whole carcasses delivered to his business. He would drag them inside to thaw and cape them out, blood all over the floor. He was not warned once about possible disease infection or transmission from these infected deer. They were allowed to haul 42 infected deer out of that ranch into a public place of business, where anyone could take their deer or whatever to be mounted. And MDA is worried about my cow's one lymph node?**

**Ted Swift, an attorney, was hired in 1991. Mr. Tulgestke testified in June of 1991 before the Natural Resources Commission and the Commission of Agriculture. He testified at that time that if something was not done to control the deer herd, it would cause disease to man and domestic animal. There were 64 farms involved in the Responsible Wildlife Management Group at that time. Most of those 64 farms have gone out of business. They were eaten out of house and home by the deer. Now I am going to be put out of business. The Commission and MDA can go back in the minutes of June of 1991 and read my statement. He hopes that six years from now, the Commission and MDA won't have to say that he was right again. Depopulating herds is not going to get rid of this disease.**

**Following is a summary of comments provided by Mike Tulgestke from his brother, Clifford Tulgestke of Tulgestke Farms:**

**Two to two and a half years ago they were told that the only way to get TB was from multiple nose to nose contact with deer. They made a physical risk assessment of their farm and believed they had zero risk. They have a confined and closed herd. There has only been one cow purchased in the past 20 years. The cows do not eat outside. The cows have a two-acre pad they go into when they are in the dry lot, which is only about 45 days. This particular animal that tested positive is in her fourth lactation. The last three times she spent time in dry lot was February and the last 15 days of March, the last 15 days of**

February and all of March, all of March and the first 15 days of April. There is not a lot of grass growing in Michigan during that time of the year. There are zero deer on the property at that time and none around the farm. When the feeding and baiting law went into effect this year, there were more deer around the farm than ever before during the winter months. When the deer were allowed to feed, they traveled four or five miles to one particular unit that was feeding 400-500 deer every winter. When this cow was in the dry lot, the deer were not there. There were no deer in close proximity.

Following is a summary continuing Mike Tulgestke's comments:

They made a decision to expand, figuring there was zero risk. They built a heifer barn costing \$42,000, with another row of free stalls in the barn. A full-time hired man was employed and a dry corn storage facility was built. They did this because the nose to nose contact between the cow and deer was zero. The point is if they can get it on their farm, in a closed, confined herd, then every dairy farmer in this state should be scared. The disease got into their herd and they are convinced that it did not come directly from the deer. They believe there is another carrier, and somehow that carrier got it from the deer. He said that this cow was not fed from a bunker silo and does not eat a round bale or grass.

If TB can be found on the Tulgestke farm, then every dairy farmer in Michigan should be afraid of how the TB got there. Will there be an industry that will support them? They need a place to sell their milk. They suggested a 60-day retest. They currently ship to a processor in Evart. The processor has totally fluid milk and ships most of the milk to one buyer. If the processor receives pressure from that one buyer not to accept their milk, then the processor will drop them.

Public perception is a big part of it and the public needs to be educated about pasteurization. They will offer a 60-day retest if they can find a supplier for their milk. They will need help to find a processor.

They would be willing to bet that there is not another reactor in the herd. He believes, and veterinarians have concurred, the cow was infected but not infectious.

The Tulgestkes do not want to go out of the dairy business. This is what they are--dairy farmers. It is a troubling issue if they are put out of the business, and the herd is depopulated. He said if they agree to an indemnity agreement it would have to include the cattle, the feed, the facilities, and the feed in fields. All of that will need to be taken into consideration. If they agree on indemnity and sign a release, and the state issues a check, and those 160 animals are taken to the lab and nothing is found relating to TB, then they want that check doubled.

Commissioner Tatter asked if the Tulgestkes would be willing to deliver this same message to the Natural Resources Commission during this afternoon's public comment period. He added that the Commission has just learned recently of the possible lengthy incubation period involved. This is a continuing learning process.

Mike Tulgestke said that a cow maintains herself well until something attacks her. The cow that tested positive had foot rot. He wondered if she had not contracted that disease, would the tuberculosis organism have attacked her? Would her lymphatic system been sufficient enough to hold it off? He reiterated the fact that his herd is a totally closed facility.

Gordon Tulgestke added that if they do get compensated for the cattle they will have to give 48 percent of it back to the government (28% federal income tax, 15.6% social security, and 4.4% to the State of Michigan). He said there is no point in reinvesting and repopulating a herd when they don't know where the disease came from and would run the risk of getting re-infected again next year. Why would anyone want to go through this again?

Chair Maitland said that MDA is trying to keep the lines of communication open, even if there may be disagreement. This issue is still ongoing. No final decisions have been made. It has not been the position of the Commission nor has it taken a formal position on what has been going on to this point. The Commission does support MDA, and base its decisions on the input that it has received. The Commissioners are not scientists and certainly this is not an easy situation for anyone. What might be the right answer today, may not be the right answer for tomorrow.

Director Wyant recognized that Mike and Clifford have been involved in this issue for a long time. He agreed that this is a very frustrating and emotional issue. He complimented both of them on their professionalism during a very difficult time. He stated that the Tulgestkes are a quality family. He agreed that there are many issues that have been raised today that need to be looked at and evaluated. This is a challenge. This is new to Michigan. Director Wyant said his commitment is to talk with industry because he believes we are at a crossroads. A determination needs to be about the path that has been set with respect to eradication. MDA has been very aggressive and we do not deny that. Eradication is important to the industry on ensuring a healthy industry long-term. It is important to continue to keep the lines of communication open with the Tulgestkes and with industry to make sure the right decisions are being made as we move forward. Director Wyant will go through every one of these charges and claims with staff and the Commission. MDA needs to ensure that this is the right policy for the state of Michigan.

The following is a summary of comments made by John Noftze from Hillman, Michigan:

The primary topic in Northeast Michigan is TB and that it is not being addressed and controlled properly. He urged the Commission to visit Tulgestke Farms and some of the other farms in the area. Dairy farming is a way of life and a stable industry in northeast Michigan. It is wrong to depopulate. It seems that every time the situation changes, the rules change. Nothing is printed in black and white on exactly what are the rules. All of the sudden we have to dump milk. There is a pasteurized milk ordinance that is 40 years plus old. There needs to be homework done. The milk ordinance came into being 30 to 40 years ago because of brucellosis and TB. The infected cows have left the farm and we are still dumping milk. There needs to be education done with the suppliers, stores and consumers.

The tool that is being used to do the comparative cervical testing is plastic and came out of a five-gallon bucket that was wet. They scraped the tool on the side of the truck to remove the ice. Is this a scientific way of measuring animals? Every herd in Michigan is at risk. Our protocol does not coincide. He said that when the deer herd was depopulated, it wasn't until a year and a half later that they tested the neighboring beef herd. The protocol should be to have every herd close by tested, and then continue making the circle bigger and test every day.

Other states should be warned not to ever start testing because they will find something. It is a way of life. He again encouraged the Commission to visit the area. He thanked Commissioner Stamp and Director Wyant for visiting the area.

He agreed with Mike Tulgestke that the baiting and feeding ban is a joke. There was so much bait being sold in the area, it was ridiculous. The area Chamber of Commerce director said that farmers should fence in their fields. Unfortunately, there is a moratorium on 10-foot fences. Sportsmen have put in that moratorium because fencing disrupts the flow of deer. The deer in Michigan are the problem.

Commissioner Tatter again urged that these comments be made during today's Natural Resources Commission meeting.

Following is a summary of comments made by Attorney Phillip Stevens:

He represented the Tulgestkes in the short-lived lawsuit that was filed in Presque Isle County. He said he has heard the comments about believing in the science. He asked for a review the department's own numbers before making a decision. Documentation says that MDA tested approximately 50,000 cows and a very few were reactors that were slaughtered. Of the reactor cows that were slaughtered, an insignificant number, really had TB. He does not believe that herds can be depopulated based on these numbers.

He is a lawyer and as a lawyer he can state that this entire issue has real serious consequences, constitutional consequences that the Commission must be aware of and should consult its own lawyers. There is not reasonable, rational basis for taking healthy animals on the toss of a coin that says so few are really sick. These cows that the Tulgestkes have passed both tests. Sometimes you cannot rely on the science because it is not a real basis for taking these cows.



The Commission and Director Wyant thanked those who provided public comment at today's meeting. MDA will continue to work with the Tulgestkes and keep the lines of communication open. A review will be made of the situation.

## **ADJOURN**

**MOTION: COMMISSIONER SKOGMAN MOVED TO ADJOURN THE MEETING AT 1:30 P.M., ON FEBRUARY 9, 2000. SECONDED. MOTION CARRIED UNANIMOUSLY.**

## **ATTACHMENTS:**

The following documentation is on file in the Commission of Agriculture office and is available upon request:

**Attachment A Commission of Agriculture Meeting Minutes, January 13-14, 2000**

**Attachment B Commissioner Douglas Darling's Written Comments**

**Attachment C Director's Report – February 2000**

**Attachment D MDA FY2001 Executive Budget**

**Attachment E Michigan Agricultural Environmental Assurance Program, "*A Pollution Prevention Initiative*," dated February 2000**

**Attachment F "*MDA Upper Peninsula State Fair Rate Schedule for Rental of Buildings and Grounds (Non-Fair)*"**

**Attachment G Information on Bovine Tuberculosis in Michigan**

**Attachment H "*Wildlife Conservation Act Normal Agricultural Practices*"**

**Attachment I "Draft Generally Accepted Agricultural and Management Practices for the Care of Farm Animals"**

**Attachment J "Draft Generally Accepted Agricultural and Management Practices for Cranberry Production"**

**Attachment K "Draft Annual Review Process for Generally Accepted Agricultural and Management Practices"**

**Attachment L Legislative Report – February 2000**

**Attachment M Regulation 628, "Seed Potato Certification"**

**Attachment N Michigan Farm Bureau 2000 Policies**

**Attachment O Commission of Agriculture Resolution Honoring Jack Laurie**

**Attachment P "Pari-mutuel Horse Racing in Michigan," "Live Simulcast Handle Comparison 2000 vs. 1999 Through January 23, 2000," and "Handle and Attendance Comparison 1999 vs. 1998"**

**Attachment Q Sparks Companies, Inc. Report "*Trends in Michigan Agriculture*"**

**Attachment R Commission of Agriculture Resolution on Plum Pox Virus**

**Attachment S Letter from Dan Wyant to Director Jacob J. Lew, Office of Management and Budget, Washington, D.C. regarding Plum Pox Virus**

**Attachment T Written Comments by Mike Tulgestske, Tulgestske Farms**

**Approved March 9, 2000**